

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 55 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 7.1-3-1-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A permit of any
- 5 type issued by the commission, **except as provided in subsections (b)**
- 6 **and (f) or** unless otherwise provided in this title, shall be in force for
- 7 one (1) calendar year only, including the day upon which it is granted.
- 8 At the end of the one (1) year period the permit shall be fully expired
- 9 and null and void.
- 10 (b) Notwithstanding subsection (a), in a county containing a
- 11 consolidated city, a permit that is subject to section 5.5 or 5.6 of this
- 12 chapter is effective for two (2) calendar years, including the day upon
- 13 which the permit is granted. However, a local board may recommend
- 14 to the commission that the permit be issued or renewed for only a one
- 15 (1) year period. The commission may issue or renew a permit for the
- 16 period recommended by the local board.
- 17 (c) A permittee who is granted a two (2) year permit under
- 18 subsection (b) **or (f)** is liable for any annual fees assessed by the
- 19 commission. The annual fee is due on the annual anniversary date upon
- 20 which the permit was granted.
- 21 (d) If the commission grants a two (2) year permit, the commission
- 22 may ask a local board to hold a hearing to reconsider the duration of a
- 23 permittee's permit. A hearing held under this subsection is subject to
- 24 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing

requested by the commission within thirty (30) days before the permittee's next annual anniversary date and forward a recommendation to the commission following the hearing.

(e) If a permittee is granted a permit for more than one (1) year, the commission may require the permittee to file annually with the commission the information required for an annual permit renewal.

(f) Notwithstanding subsection (a), the following are effective for two (2) calendar years, including the day upon which the permit is granted:

(1) A beer wholesaler's permit issued under IC 7.1-3-3-1.

(2) A wine wholesaler's permit issued under IC 7.1-3-13-1.

SECTION 2. IC 7.1-3-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An applicant for a brewer's permit, a distiller's permit, or a liquor wholesaler's permit shall file with the commission a surety bond in the penal sum of ten thousand dollars (\$10,000).

(b) An applicant for a rectifier's permit shall file with the commission a surety bond in the penal sum of fifteen thousand dollars (\$15,000).

(c) An applicant for a vintner's permit shall file with the commission a surety bond in the penal sum of one thousand dollars (\$1,000).

~~(d) An applicant for a wine wholesaler's permit, a wine bottler's permit, a beer wholesaler's permit, or a carrier's alcoholic permit shall file with the commission a surety bond in the penal sum of five hundred dollars (\$500);~~

SECTION 3. IC 7.1-3-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. ~~Payment in Cash.~~ Payment by a valid postal money order of the United States or by **one (1) of the following:**

(1) Certified check;

(2) Cashier's check;

(3) Check drawn on the bank deposit of a business; or

(4) Bank draft; ~~of, or drawn upon, a solvent bank or trust company~~ may be made in lieu of a cash payment whenever a sum is required to be paid in cash under the provisions of this title. **However, payment made by one (1) of the methods listed in subdivisions (1) through (4) must be of or drawn upon a solvent bank or trust company."**

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(f) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 5. IC 7.1-3-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center

may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

- (1) A consolidated city or its county.
- (2) A city of the second class.
- (3) A county having a population of more than one hundred thirty thousand six hundred (130,600) but less than two hundred thousand (200,000).
- (4) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (5) A city having a population of less than ten thousand (10,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (6) A county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred twelve thousand (112,000).
- (7) A county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

- (1) is located in a county having a population of more than one hundred thousand (100,000) but less than one hundred seven thousand (107,000); and
- (2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

- (1) having a population of more than thirty thousand (30,000) and less than seventy-five thousand (75,000); and
- (2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

- 1 (e) A city that:
 2 (1) has a population of:
 3 (A) more than fifty-eight thousand (58,000) but less than sixty
 4 thousand (60,000); **or**
 5 (B) **more than forty thousand (40,000) but less than**
 6 **forty-three thousand (43,000); and**
 7 (2) owns a golf course;
 8 may permit the retail sale of alcoholic beverages upon the premises of
 9 the golf course if the governing board of the golf course first applies for
 10 and secures the necessary permits required by this title.
- 11 (f) A city that:
 12 (1) has a population of more than thirty-three thousand eight
 13 hundred fifty (33,850) but less than thirty-five thousand (35,000);
 14 and
 15 (2) owns or leases a marina;
 16 may permit the retail sale of alcoholic beverages upon the premises of
 17 the marina, if the governing board of the marina first applies for and
 18 secures the necessary permits required by this title.
- 19 (g) A city listed in this subsection that owns a marina may be issued
 20 a permit for the retail sale of alcoholic beverages on the premises of the
 21 marina. However, the city must apply for and secure the necessary
 22 permits that this title requires. This subsection applies to the following
 23 cities:
 24 (1) A city having a population of more than one hundred ten
 25 thousand (110,000) but less than one hundred twenty thousand
 26 (120,000).
 27 (2) A city having a population of more than seventy-five thousand
 28 (75,000) but less than ninety thousand (90,000).
 29 (3) A city having a population of more than thirty-three thousand
 30 (33,000) but less than thirty-three thousand eight hundred fifty
 31 (33,850).
 32 (4) A city having a population of more than twenty-seven
 33 thousand (27,000) but less than thirty thousand (30,000).
 34 (5) A city having a population of more than twenty-one thousand
 35 eight hundred thirty (21,830) but less than twenty-three thousand
 36 (23,000).
- 37 (h) Notwithstanding subsection (a), the commission may issue a
 38 civic center permit to a person that:
 39 (1) by the person's self or in combination with another person is
 40 the proprietor, as owner or lessee, of an entertainment complex;
 41 or
 42 (2) has an agreement with a person described in subdivision (1)
 43 to act as a concessionaire for the entertainment complex for the
 44 full period for which the permit is to be issued."
 45 Page 4, between lines 30 and 31, begin a new paragraph and insert:
 46 "SECTION 8. IC 7.1-3-20-8.6 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of
2 a club permit may do the following:

- 3 (1) Designate one (1) day in each month as "guest day".
- 4 (2) Keep a record of all designated guest days.
- 5 (3) Invite guests who are not members of the club to attend the
- 6 club on a guest day.
- 7 (4) Sell or give alcoholic beverages to guests for consumption on
- 8 the permit premises on a guest day.

9 **(5) Keep a guest book listing members and their nonmember**
10 **guests, except on a designated guest day.**

11 (b) This subsection applies to a club that furnishes alcoholic
12 beverages on not more than two (2) days in each week.
13 Notwithstanding subsection (a)(1), the holder of a club permit to which
14 this subsection applies may designate twenty-four (24) guest days in
15 each calendar year rather than one (1) guest day in each month."

16 Page 6, between lines 17 and 18, begin a new paragraph and insert:
17 "SECTION 13. IC 7.1-5-10-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
19 **provided in subsection (d)**, it is unlawful to sell alcoholic beverages
20 at the following times:

- 21 (1) At a time other than that made lawful by the provisions of
- 22 IC 7.1-3-1-14.
- 23 (2) On Christmas Day and until 7:00 o'clock in the morning,
- 24 prevailing local time, the following day.
- 25 (3) On primary election day, and general election day, from 3:00
- 26 o'clock in the morning, prevailing local time, until the voting polls
- 27 are closed in the evening on these days.
- 28 (4) During a special election under IC 3-10-8-9 (within the
- 29 precincts where the special election is being conducted), from
- 30 3:00 o'clock in the morning until the voting polls are closed in the
- 31 evening on these days.

32 (b) During the time when the sale of alcoholic beverages is
33 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
34 or otherwise disposed of on the licensed premises and the licensed
35 premises shall remain closed to the extent that the nature of the
36 business carried on on the premises, as at a hotel or restaurant, permits.

37 (c) It is unlawful to sell alcoholic beverages on New Years Day for
38 off-premises consumption.

39 **(d) It is lawful for the holder of a valid beer, wine, or liquor**
40 **wholesaler's permit to sell to the holder of a valid retailer's or**
41 **dealer's permit at any time."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to ESB 55 as printed March 26, 1999.)

Representative Dobis